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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-420

13 **JODY ANN MARIE JOHNSON**  
14 **aka JODY ANN MARIE KNUTILA**  
5324 Marconi Avenue, #66  
15 Carmichael, California 95608

**A C C U S A T I O N**

16 **Registered Nurse License No. 403868**

17 Respondent.

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19 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Interim  
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
23 Affairs.

24 2. On or about August 31, 1986, the Board issued Registered Nurse License Number  
25 403868 to Jody Ann Marie Johnson, also known as Jody Ann Marie Knutila ("Respondent"). The  
26 license was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on December 31, 2011, unless renewed.

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## JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

6. Code section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the

1 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
2 of this section, in which event the record of the conviction is conclusive evidence thereof."

3 **COST RECOVERY**

4 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licensee found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Crime)**

10 8. Respondent is subject to discipline under Code section 2761(f), in that on or about  
11 May 21, 2008, in the case of *People v. Jody A. Johnson* (Super. Ct. Sacramento County, Case No.  
12 08T02241), Respondent was convicted by the Court on her plea of nolo contendere of violating  
13 Vehicle Code section 23152(a) (driving under the influence of drugs or alcohol), with  
14 enhancement of Vehicle Code section 23578 (drove a vehicle with a blood alcohol level of 0.15%  
15 or higher), and Vehicle Code section 20002(a) (failure to stop at the scene of an accident when  
16 involved), misdemeanors. Respondent's blood alcohol level was .25%. These crimes are  
17 substantially related to the qualifications, functions or duties of a licensed registered nurse. The  
18 circumstances of the crime are as follows:

19 On or about Saturday, March 22, 2008 at 3:35 p.m. Respondent began driving home after  
20 having several drinks at her son's house. In attempting to make a turn, Respondent made a wide  
21 turn and hit another car which had stopped behind a stop sign. Respondent left the scene and  
22 continued to proceed home, not realizing that she had gotten into a car accident. CHP arrived at  
23 Respondent's home and administered field sobriety tests, which she failed. Respondent was  
24 arrested and a breath test showed a blood alcohol level of .26% / .25 %.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 9. Respondent is subject to discipline under Code sections 2761(a), on the grounds of  
4 unprofessional conduct, as defined in Code section 2762(b), in that on or about March 22, 2008,  
5 Respondent used an alcoholic beverage to an extent or in a manner dangerous or injurious  
6 to herself and the public when she operated a vehicle with a blood alcohol level of 0.26% and got  
7 into a vehicle collision, as further set forth in paragraph 8 above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Conviction Involving the Consumption of Alcohol)**


10 10. Respondent is subject to discipline under Code section 2761(a), on the grounds of  
11 unprofessional conduct as defined in Code section 2762(c), in that on or about May 21, 2008,  
12 Respondent was convicted of a crime involving the consumption of alcohol, as more particularly  
13 set forth above in paragraph 8 above.

14 **PRAYER**

15 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 403868, issued to Jody  
18 Ann Marie Johnson, also known as Jody Ann Marie Knutla;
- 19 2. Ordering Jody Ann Marie Johnson, also known as Jody Ann Marie Knutla, to pay the  
20 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this  
21 case, pursuant to Business and Professions Code section 125.3; and,
- 22 3. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: 11/8/10

25   
LOUISE R. BAILEY, M.Ed., R.N.  
for Interim Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

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